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DEPT OF TRANSPORTATION  
DOCKETS

U.S. DEPARTMENT OF TRANSPORTATION APR 15 A 9 34  
OFFICE OF HEARINGS  
WASHINGTON, D.C.

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IN THE MATTER OF

AIR SUNSHINE, INC.,  
Respondent.

FAA DOCKET NO. CP09SO0004  
(Civil Penalty Proceeding)

DMS NO. FAA-2009-0813  
0183

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**ADMINISTRATIVE LAW JUDGE'S ORDER GRANTING  
RESPONDENT'S MOTION TO DISMISS THE COMPLAINT**

The complaint charges that the Respondent, Air Sunshine, Inc., had an *air carrier certificate and operations specifications*. It says that an aircraft, No. N477RS, was not listed on the Respondent's operations specifications. It does not say that the Respondent operated that aircraft.

On March 11, 2009, the Respondent filed and served a motion to dismiss the complaint on the ground, inter alia, that it did not charge the Respondent with a violation of the Federal Aviation Regulations. The Complainant did not file a timely answer to the motion. See 14 C.F.R. § 13.218(d).

The motion is granted. The claim that a specific aircraft was not listed on a carrier's operations specifications does not allege a violation of the Federal Aviation Regulations in the absence of a further allegation that the carrier operated that aircraft in one or more operations subject to the jurisdiction of the Federal Aviation Administration.

The complaint is dismissed and the docket is closed.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "Isaac D. Benkin". The signature is fluid and cursive, with the first name "Isaac" and last name "Benkin" clearly distinguishable.

Isaac D. Benkin  
Administrative Law Judge

Attachment-Service List

**SERVICE LIST**

**ORIGINAL & ONE COPY**

Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, D.C. 20591  
Attention: Hearing Docket Clerk, AGC-430  
Wilbur Wright Building—Suite 2W1000<sup>1</sup>

**ONE COPY**

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The Honorable Isaac D. Benkin  
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<sup>1</sup> Service was by U.S. Mail. For service in person or by expedited courier, use the following address: Federal Aviation Administration, 600 Independence Avenue, S.W., Wilbur Wright Building—Suite 2W1000, Washington, DC 20591; Attention: Hearing Docket Clerk, AGC-430.